

REMARKS/ARGUMENTS

These remarks are responsive to the Office Action of November 26, 2008. Reconsideration and allowance of the instant application are respectfully requested. Claims 16, 23, 27, 31 and 36 have been amended. Claim 41 has been added. No new matter has been added. Claims 10-41 remain pending in this application

Rejection Under 35 U.S.C. § 101

Claims 31, 34 and 35 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant respectfully traverses.

Claim 31 recites “an apparatus comprising...” Applicant respectfully submits that an apparatus by definition is tangible, and notably, does not constitute a computer program per se as alleged by the Action. See Action, page 2. As such, the means-for recitations are tied to the apparatus and not merely an abstract idea. Accordingly, claims 31, 34 and 35 satisfies the requirements of 35 U.S.C. § 101.

Rejection Under 35 U.S.C. § 102/103(a)

Claims 10-18, 20-22, 24, 27, 29, 30, 32, 33 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui *et al.* (US 6940532, hereinafter “Fukui”) and Arbab *et al.* (US 6778192, hereinafter “Arbab”), Ishikawa (US 5506951), and in further view of Martinez *et al.* (US 6147683, hereinafter “Martinez”).

Claim 16 recites, *inter alia*,

wherein the computer-readable media is configured to prevent redundant tracking, and wherein preventing redundant tracker includes allowing a second user access to the storage component to change the location of the item of interest concurrent with the first user.

Applicant submits that support for the above recited feature is at least found in paragraph [0038] of the originally filed specification, among other portions. The Action concedes that Fukui fails to teach a shared environment allowing a second user to access the storage component to change the location of the item of interest, and instead relies on Martinez for such a feature. See Action, page 6. However, Martinez fails to teach or suggest the feature of *preventing redundant tracking*, wherein preventing redundant tracking includes allowing a second user access to the storage component to change the

location of the item of interest concurrently with the first user as recited in amended claim 16. Indeed, Martinez is devoid of any discussion of how the first and second users are prevented from redundant tracking. Even assuming but not conceding that Martinez discloses a multi-user system, Martinez fails to describe any details sufficient to teach, suggest, or otherwise render obvious the feature of *preventing redundant tracking*, wherein preventing redundant tracking includes allowing a second user access to the storage component to change the location of the item of interest concurrently with the first user as recited in amended claim 16. For example, col. 3, lines 10-12 of Martinez merely describe that the system is implementable in any of a number of different systems including a multi-user system. Such language, at best, discloses that the apparatus of Martinez is implementable in any computer system not limited to single user workstations. However, without more, preventing redundant tracking is not disclosed.

In another example, col. 6, line 60-col. 7, line 12, only describes “a user” and “the user” without any discussion of “a second user”, “another user” and the like. Notably, the entire section is devoid of any language that might suggest multiple users, let alone the feature of preventing redundant tracking as recited in amended claim 16. When read in context, col. 6, line 60-col. 7, line 12 describes FIG. 6 which further fails to illustrate the feature of preventing redundant tracking as recited in claim 16. These portions of Martinez, concurrent with the rest of the disclosure fail to contemplate the feature of preventing redundant tracking as recited in claim 16.

Moreover, such a feature is not inherent in mere disclosure of a multi-user system. For instance, multiple users utilizing the system of Martinez may independently track their items of interest. Indeed, Martinez does not describe how a multiple-user system would function to prevent redundant tracking as recited in claim 16. Furthermore, Martinez does not describe that the multiple-user system allows a second user access to the storage component to change the location of the item of interest concurrently with the first user as further recited in claim 16. Stated differently, Martinez simply lacks the descriptions necessary to teach or suggest the feature of preventing redundant tracking as recited in claim 16.

As such, applicant respectfully submits that Martinez fails to teach or suggest said feature of claim 16. Moreover, Fukui, Arbab and Ishikawa fail to cure the deficiency of

Martinez. Therefore, even assuming that a combination of Fukui, Arbab, Ishikawa and Martinez is proper, such a combination fails to teach or suggest each and every element of claim 16. Thus, independent claim 16 is allowable.

Independent claim 27 recites features similar to the distinguishing features of claim 16, and thus is allowable for reasons similar to those discussed above with respect to claim 16.

Claims 10-15, 17-18, 20-22, 29, 30, 32, 33 and 40 depend on claims 16 and 27, and as such are allowable for at least the same reasons as their base claims and in further view of their advantageous features recited therein.

Claim 19 depends on claim 16. However, Eisenberg fails to cure the deficiency of Fukui, Arbab, Ishikawa, and Martinez at least with respect to the feature of preventing redundant tracking, wherein preventing redundant tracking includes allowing a second user access to the storage component to change the location of the item of interest concurrently with the first user as recited in claim 16. As such, even assuming that a combination of Fukui, Arbab, Ishikawa, Martinez, and Eisenberg is proper, such a combination fails to teach or suggest each and every element of the base claim, claim 16. Thus, claim 19 is allowable.

Claims 23, 31, 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui in view of Arbab and Martinez.

Independent claims 23 and 31 have been amended to recite features similar to those discussed above with respect to claim 16. As stated above, a combination of Fukui, Arbab and Martinez would have failed to teach or suggest the features of claim 16. As such, said combination of references would have also have failed to teach or suggest the features of claims 23 and 31. Claims 34 and 35 depend on claim 31 and are allowable for the same reasons as claim 31, and in further view of the advantageous features recited therein.

Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui in view of Arbab and Martinez as applied to claim 23 and in further view of Ishikawa. Claims 24 and 25 depend on claim 23. As discussed above, claim 23 recites similar features to claim 16 and Ishikawa fails to cure the deficiencies of Fukui, Arbab and Martinez with respect to claim 16. Therefore, Ishikawa fails to cure the

deficiencies of Fukui, Arbab and Martinez with respect to claim 23. As such, claims 24 and 25 are allowable for at least the same reasons as claim 23 and in further view of the advantageous features recited therein.

Claims 26 and 28 depend on claims 23 and 27 respectively. However, MacPhail fails to cure the deficiency of Fukui, Arbab and Ishikawa at least with respect to the feature of changing the location of the point of focus based on input from a second user of the plurality of users in the shared environment as recited in claim 23 and the feature of changing the location of the point of focus based on user input from a second user moving the graphical indicator on the scroll bar as recited in claim 27. As such, even assuming that a combination of Fukui, Arbab, Ishikawa, Martinez, and MacPhail is proper, such a combination fails to teach or suggest each and every element of the respective base claims, claims 23 and 27. Thus, claims 26 and 28 are allowable.

Independent claim 36 stands rejected under 35 U.S.C. § 102 as being anticipated by Martinez. Claim 36 recites distinguishing features similar to claim 16, and as such, is allowable over Martinez for at least the same reasons as claim 16.

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Ishikawa. Claims 37 and 38 depend on claim 36, and are allowable for at least the same reasons as claim 36, and in further view of the advantageous features recited therein.

Claim 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Ishikawa and further in view of MacPhail. Claim 39 depends on claim 36. Moreover, MacPhail fails to cure the deficiencies of Martinez and Ishikawa with respect to claim 36. As such, claim 39 is allowable for at least the same reasons as claim 36, and in further view of the advantageous features recited therein.

New Claims

Claim 41 has been added. Applicant respectfully submits that support for claim 41 is found at least in ¶[0083] of the Applicant's Specification. No new matter has been added.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. If the examiner has any questions or needs any additional information, the examiner is invited to contact applicant's undersigned representative at (202) 824-3265.

Respectfully submitted,

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